

February 23, 2016

**ALLEGED VIOLATIONS**

The information provided in the previous petition, filed as docket entry No. 105, has been amended as follows:

Violation No. 1 has been updated. Violation No. 3 includes additional violations.

The probation officer believes that the offender has violated the following condition(s) of supervision:

**Violation No. Nature of Noncompliance**

**1. The defendant shall not commit another federal, state, or local crime.**

Everett Brewer was arrested on September 26, 2014, in Robertson County, Tennessee, for Aggravated Burglary and Theft of Property over \$1,000 but under \$10,000. Mr. Brewer was scheduled to appear in court on October 1, 2014, but failed to appear. A felony failure to appear warrant was issued on October 2, 2014. This charge was dismissed on October 22, 2014. Mr. Brewer was released from custody on November 5, 2014, for the failure to appear. The Aggravated Burglary and Theft of Property Over \$1,000 but Under \$10,000 charges were bound over to the grand jury. This case is currently set for trial in Cheatham County Circuit Court on March 16, 2016.

According to the affidavit of complaint, the police were dispatched to investigate an aggravated burglary at 1860 New Hope Road. Upon arrival, the officer met with the victim, Lee Ann Rake, who is the homeowner. Ms. Rake stated that when she came home she saw her front door closed, and as she drove around to the back of the home she saw a white Buick occupied by a black male wearing a striped shirt. When the driver of the Buick saw the victim, he started his vehicle and began to flee the scene. The victim stated that as the vehicle was going down the driveway, she heard another male yelling, "Hey, hey, stop!" When she saw the vehicle turn on the roadway, it was occupied by two males. The victim then noticed that her front door was standing open. A description of the driver, the vehicle, as well as the property taken was relayed to surrounding agencies, and a vehicle matching the description was stopped in Robertson County. The property described, including medication with the victim's name imprinted on the bottles, was found in the vehicle. The value of the items taken is \$5,500.

**2.**

**The defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.**

Everett Brewer married Melissa Newman, a convicted felon, on September 29, 2014, in Davidson County, Tennessee, without the approval of the probation office.

- 3. The defendant shall refrain from the excessive use of alcohol and shall not purchase, posses, use, distribute or administer any controlled substance except as prescribed by a physician.**

Everett Brewer tested positive for marijuana on February 11, 2015, and February 19, 2015. Everett Brewer tested positive for marijuana on July 7, 2015, and July 27, 2015. Mr. Brewer tested positive for marijuana on October 5, 2015. Mr. Brewer tested positive for cocaine on October 16, 2015. Everett Brewer tested positive for benzodiazepines, oxazepam, and temazepam on February 4, 2016. Mr. Brewer tested positive for oxazepam on February 11, 2016.

- 4. The defendant shall participate in a program of drug testing and substance abuse treatment which may include and 30-day inpatient treatment program followed by up to 90 days in a community correction center at the direction of the Probation Office.**

Everett Brewer failed to show for an urine screen as directed on June 22, 2015.

**Compliance with Supervision Conditions and Prior Interventions:**

Everett Brewer began the three-year term of supervision on May 27, 2014. Mr. Brewer was employed at Southern Steak and Oyster in Nashville, Tennessee, until approximately August 2014, when he reported to the probation office that he quit Southern Steak and Oyster to begin working for a landscape and excavation company. Mr. Brewer did not provide any verification of his reported employment with the landscape and excavation company.

A substance abuse assessment was completed at Centerstone on September 25, 2014. The therapist recommended that Mr. Brewer participate in individual counseling sessions once per month. The probation office instructed Mr. Brewer to report to the probation office on October 2, 2014, to complete the substance abuse treatment referral process. Mr. Brewer failed to show for the appointment. The probation office was unable to reach him to reschedule the appointment. He reported his arrest on September 26, 2014, for aggravated burglary and theft of property over \$1,000 but under \$10,000 to the probation office in a timely manner.

On October 28, 2014, Melissa Newman advised the probation office that she and Mr. Brewer were married. Mr. Brewer was denied permission to reside with Ms. Newman prior to his release from custody because she is a convicted felon. Mr. Brewer was aware that Ms. Newman is a convicted felon, and he did not request permission to marry her.

Mr. Brewer is currently required to submit to three random urine screens each month. He has also been referred for individual monthly substance abuse treatment at Centerstone.

Mr. Brewer resides with his wife in Nashville, Tennessee. He reports employment with Capstone Logistics also in Nashville, Tennessee.

As previously indicated, Mr. Brewer tested positive for marijuana on February 11, 2015, and February 19, 2015. He admitted using marijuana to the probation officer on March 3, 2015. Mr. Brewer has not tested positive since February 19, 2015. He continues to submit to weekly substance abuse testing and is participating in substance abuse treatment at Centerstone.

The original petition dated January 7, 2015, was submitted to the Court reporting Violation Numbers One and Two, and an arrest warrant was issued on January 13, 2015.

Mr. Brewer was arrested on the aforementioned warrant on April 17, 2015. He was released April 21, 2015, on the originally imposed conditions of supervised release. Mr. Brewer was referred for a psychiatric evaluation to include medication management at Centerstone.

A superseding petition was submitted to the Court on May 12, 2015, reporting positive urine screens on February 11, 2015, and February 19, 2015. The Court was also advised regarding a correction made in the guideline range section of the petition. This officer requested that the additional violations/information be considered. The Court concurred on May 19, 2015.

A psychiatric evaluation was completed on June 11, 2015. Mr. Brewer is currently participating in substance abuse/mental health treatment at Centerstone. As previously stated, Everett Brewer failed to show for a urine screen on June 22, 2015. Mr. Brewer tested positive for marijuana on July 7, 2015, and July 27, 2015. Following the aforementioned positive urine screens, Mr. Brewer did not admit or deny smoking marijuana.

A second superseding petition was submitted to the Court on September 11, 2015, reporting positive urine screens on July 7, 2015, and July 27, 2015. The Court was also advised that Mr. Brewer failed to report for a urine screen on June 22, 2015. This officer requested that the additional violations be considered. The Court concurred on September 20, 2015.

Mr. Brewer admitted to using marijuana prior to the urine screen on October 5, 2015. He denied using cocaine prior to the urine screen on October 16, 2015. Mr. Brewer is enrolled in mental health and substance abuse treatment at Centerstone.

As previously indicated, the state charges for Aggravated Burglary and Theft are currently set for trial in Cheatham County Circuit Court on March 21, 2016.

**A Third Superseding Petition was submitted to the Court dated November 5, 2015. This petition updated Violation Number 1 and added additional violation information in Violation Number 3. The Court signed the Third Superseding Petition on November 13, 2015.**

Following the positive urine screen on February 4, 2016, Mr. Brewer advised that he was given a pill at the hospital to calm him down after witnessing his wife being dropped by hospital staff. Mr. Brewer was instructed to obtain verification of being given a pill from the hospital. He was unable to do so. Mr. Brewer's wife advised the probation officer that he was given a "pill" at the hospital by hospital staff. Mr. Brewer did not admit to new use following the positive urine screen on February 11, 2016.

As previously stated, Mr. Brewer continues to participate in counseling sessions at Centerstone. He is self-employed and resides with his wife and step-son in Nashville, Tennessee.

The revocation hearing is currently set for April 18, 2016.

**Update of Offender Characteristics:**

There is no additional information relevant to this section that has not already been provided in this petition.

**U.S. Probation Officer Recommendation:**

**It is respectfully recommended that the additional violations/information be considered at the revocation hearing. The U.S. Attorney's Office has been notified regarding the additional violations and agrees with the probation officer's current recommendation.**

Approved: \_\_\_\_\_



Vidette Putman

Supervisory U.S. Probation Officer

**SENTENCING RECOMMENDATION**  
**UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE**  
**UNITED STATES V. EVERETT BREWER, CASE NO: 3:08-00110**

**GRADE OF VIOLATION:** A  
**CRIMINAL HISTORY:** VI

**ORIGINAL OFFENSE DATE:** POST APRIL 30, 2003                      **PROTECT ACT PROVISIONS**

	<u>Statutory Provisions</u>	<u>Guideline Provisions</u>	<u>Recommended Sentence</u>
<b>CUSTODY:</b>	<b>5 years (Class A felony)</b> <i>18 U.S.C. § 3583(e)(3)</i>	<b>51-60 months *</b>	<b>No recommendation</b>
<b>SUPERVISED RELEASE:</b>	<b>60 months</b>	<b>5 years less any term of imprisonment</b> <i>18 U.S.C. 3583(h)</i>	<b>No recommendation</b>

**Statutory Provisions:** When a term of supervised release is revoked and the defendant is required to serve a term of imprisonment, the Court may include a requirement that the defendant be placed on term of supervised release after imprisonment. The length of such tem of supervised release shall not exceed the term of supervised release authorized by statute for the offense that resulted in the original term of supervised release, less any imprisonment that was imposed upon revocation of supervised release. 18 U.S.C. § 3583(h).

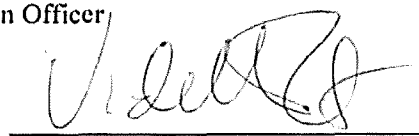
**Guideline Policy Statements:** Upon a finding of a Grade A violation, the Court shall revoke supervised release; U.S.S.G.§ 7B1.3(a)(1).

\*Although the guideline range is 51 to 63 months, the maximum statutory penalty is 60 months.

Respectfully Submitted

  
Lisa L. House  
U.S. Probation Officer

Approved:

  
Vidette Putman  
Supervisory U.S. Probation Officer